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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,981	06/20/2001	John W. Andrews	BU9-98-225 DIV	3116

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EXAMINER

BLUM, DAVID S

ART UNIT PAPER NUMBER

2813

#9

DATE MAILED: 04/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/883,981

Applicant(s)

ANDREWS ET AL.

Examiner

David S Blum

Art Unit

2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8, 15 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8, 15 and 23-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. The declaration filed on 3/18/02 under 37 CFR 1.131 is sufficient to overcome the Yang reference.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Zheng (US 5,728,621).

Zheng teaches the device structure of claims 15 and in that a trench is formed on a substrate, and the trench is filled by a high density plasma method (18) and the filler is removed from the pad leaving a planar surface. As the claims are in the format of device (structure) claims, process limitations are given little weight. The filler material is silicon oxide by a high density plasma method (column 3 lines 45-47).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 24-27 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zheng (US 5,728,621) in view of Liao (US 6,110,795).

Zheng teaches all of the positive steps of claims 8, 24-27, and 29-30 as except for reciting that the trench fill is "seamless" and "substantially scratch free". Zheng teaches the device structure of claims 8 and 15 in that wide and narrow shallow trenches (figure 6) are formed on a substrate, and the trenches are filled by a non-conformal high density plasma method (18) and the filler is removed from the pad leaving trench fill in the trench and a planar surface. As the claims are in the format of device (structure) claims, process limitations are given little weight. The filler material is silicon oxide by a high density plasma method (column 3 lines 45-47). It is the high density plasma trench fill method that results in the seamless trench fill (per instant application). It is obvious that as the process steps are like, the results will be the same. Zheng is also silent as to the surface being scratchless, but teaches the trench fill may be either optionally polished or selectively etched (suggested method) to the pad layer Column 3 lines 15-25). The instant application teaches using selective etching to avoid micro-scratches caused by polishing. Liao also teaches using selective etching (not reactive ion etching) to avoid micro-scratches caused by polishing. Thus, Zheng teaches a method which will

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result in the structure being substantially scratch free and Liao teaches which of the methods will yield the desired result.

One skilled in the requisite art at the time of the invention would choose the removal method taught by Zheng that will result in a substantially scratch free surface as taught by Liao.

7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zheng (US 5,728,621) in view of Brewer (US 6,322,600).

Zhang teaches all of the parts of the substrate as claimed as recited above in regard to claim 24 and 8 except for doping the trench fill. Brewer teaches filling a trench with a dielectric that includes one of BPSG (boron doped oxide glass), PSG (phosphorous doped oxide glass) and HDP oxides. Thus it is known to have a doped insulation trench fill and to obtain the desired dielectric properties, one skilled in the art would know to dope HDP oxide to achieve a dielectric constant to match that of a BPSG or PSG.

One skilled in the requisite art at the time of the invention would modify Zhang by adding dopant to the oxide trench fill as suggested by Brewer with reasonable expectation of producing a trench fill of a desired dielectric constant.

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***Response to Arguments***

8. Applicant's arguments with respect to claims 8, 15, and 23-30 have been considered but are moot in view of the new ground(s) of rejection.

The amendment to claim 23 has been entered, and the declaration attesting to the instant invention being completed prior to June 7, 1999 has been accepted.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Blum whose telephone number is (703)-306-9168 and e-mail address is [David.blum@USPTO.gov](mailto:David.blum@USPTO.gov).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri, can be reached at (703)-306-2794. Our facsimile number is (703)- 305-0142 and our receptionist's number is (703)-308-0956.

David S. Blum

March 25, 2002



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